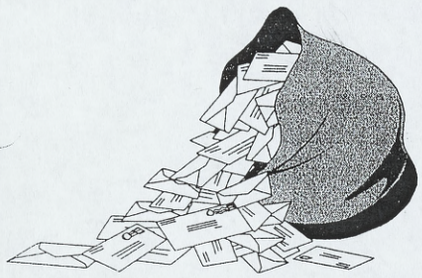

Lambda Letters Project

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Vol. 11, No. 10 October, 2003 www.lambdaletters.org LambdaLP@aol.com (916) 728-1261

LGBTI Rights: A Fragile Victory

Lavender Library, Archives and Cultural Exchange Sacramento, CA

By Boyce Hinman, Chief Lobbyist

Sometime before 4 AM on September 13, 2003, the State Assembly gave final legislative approval to AB 17, a bill requiring most state contractors to provide the same benefits to the domestic partners of their employees that they provide to the spouses of their employees. The bill was then sent to Governor Davis for his signature or veto.

The Assembly's vote on AB 17 caps what I believe will be considered one of the most successful years in the history of the lesbian, gay, bisexual, transgender, intersex (LGBTI) movement in California.

Here's what the legislature also approved this year:

- **AB 196** banning employment and housing discrimination against transgender people
- **AB 205** granting to domestic partners many of the rights and duties now available to married couples in California
- **AB 458** banning discrimination against LGBT foster children or LGBT adults who would be their foster parents or caregivers

Continued on page 13

LLP Volunteers Needed

By Lori Norman, LLP Board Chair

The Lambda Letters Project is experiencing growing pains. We are growing fast but the volunteer base to support the work we do is not keeping up with our needs. We need you to consider volunteering your services to Lambda Letters.

During the past two years we delivered well over 200,000 letters and messages to elected officials each year. In the next year or so we will probably be delivering over 250,000 (one quarter million!) a year.

This year a record number of bills of importance to our community were approved by the state legislature and signed by the governor. We have received many indications that the volume of mail delivered by Lambda Letters is a major factor in that success. Our volunteers are helping make history!

Every week when the state legislature is in session we send bulletins about current legislation to almost 20 LGBTI community newspapers and to about 1,000 people on our e-mail alert list. We also publish our own monthly newsletter.

Because of all this, more and more legislators are asking us to support their legislation with letters and e-mails. We have letters of appreciation from three current and one former state legislator, as well as from

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Lambda Letters Progress Report

Letters & Messages Collected

August, 2003	46,524 letters & e-mails
In all of 2003	202,674 letters & e-mails

Dollars Spent

August, 2003	$4,995
In all of 2003	$35,788

Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.

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Lambda Letters Project

Mission Statement

To promote people of color, feminist, lesbian, gay, bisexual, transgender, intersex, and HIV/AIDS status advocacy; and to bring people of color, women, lesbians, gays, bisexuals, transgender and intersex persons, and persons affected by or living with HIV/AIDS into full participation in American society.

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Business-card sized ads (3½"×2") $10, quarter-page ads $30, third-page ads $33, half-page ads $45, full-page ads $75, full back-page ad $100. Deadline for payment and camera-ready copy, along with your name and phone number, is the 25th of each month.

☐ Yes, I want to make a donation to help LLP continue its important work.
(Appreciated but not required.)
☐ $10 ☐ $20 ☐ $30 ☐ other $_____

Discrimination Complaints

Have you experienced employment discrimination because of your actual or perceived sexual orientation or because of your age (40 and over), ancestry, color, creed, disability, marital status, medical condition, national origin, race, religion, or sex? Have you been denied family and medical care leave or pregnancy disability leave?
If so, you may register a complaint with the Department of Fair Employment and Housing. In cases of employment discrimination, call the department at (800) 884-1684. In cases of housing discrimination, call (800) 233-3212.
The person answering the phone will schedule an appointment for you at the Department of Fair Employment and Housing Office which is closest to your home or place of employment.

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People of Color Issue

Protect Immigrant Children from Unnecessary Detention

By Marty Martinez, POC Legislative Analyst

Immigrants often become scapegoats in troubled times. The unfair treatment of immigrant children is particularly troubling. Immigrant children who are found by authorities to be unaccompanied by a parent or guardian are usually put in detention centers—essentially jails—for months or years, even though they may be accused of no illegal behavior.

The only crime is that the foreign-born child is unaccompanied.

Each year more than 5,000 foreign-born children are found in the US unaccompanied by either a guardian or parent. Their reasons for being unaccompanied may vary from having fled persecution to being abandoned or the victim of traffickers of human beings.

With California the home of so many immigrant communities, it is a particular responsibility of our senators to take a stand to stop this treatment of immigrant youth.

Senator Dianne Feinstein has introduced SB 1129, the Unaccompanied Alien Child Protection Act. SB 1129 ensures that, whenever possible, unaccompanied alien children are cared for by their family members in the US. If the family members are unable to care for them, they will be housed in shelters or put in foster care.

For situations when detention is absolutely necessary, SB 1129 requires compliance with minimum standards of care and access to pro-bono legal services.

We strongly urge you to contact California's senators in support of this bill. Half of our sample letters are addressed to Senator Feinstein, thanking her for authoring this bill. The other half are addressed to Senator Barbara Boxer, urging her to sign on as a coauthor of the bill.

You can find more information about this bill from Exodus World Service at *www.e-w-s.org*.

Please return your signed letters to Lambda Letters so we can count them and deliver them directly.

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HIV/AIDS Issue

Strengthen the Public Health Service Act

By Jamie E. Shauvin, AIDS Legislative Analyst

SB 859, the Microbicide Development Act of 2003 (Jon Corzine, D–NJ), amends the Public Health Service Act by facilitating the development of microbicides for preventing HIV transmission and other diseases. Currently SB 859 is with the Committee on Health Education, Labor, and Pension. We need Senators Boxer and Feinstein to cosponsor this bill so it moves out of committee. More about microbicides momentarily.

In 2002 AIDS caused the deaths of an estimated 3.1 million people, including 1.2 million women and 610,000 children under 15. An estimated 14 million children living today have lost one or both parents due to AIDS. Worldwide, heterosexual transmission accounts for an increasing share of new HIV infections—with adolescents, women, and disadvantaged people at particular risk. In the United States, for example, African-American women and Latinas account for 64 percent and 17 percent of all reported HIV cases, respectively, even though they represent only 25 percent of the total US female population. Half of the 38.6 million adults living with HIV/AIDS in the US today are women.

Biological, cultural, economic, and social factors combine to make women and girls particularly vulnerable to HIV and other sexually transmitted diseases (STDs). In the hardest-hit areas of Africa, almost 25 percent of 15- to 19-year-old girls are already infected with HIV, compared to 4 percent of their male peers. In addition to HIV, STDs can cause serious, costly, and even deadly conditions for women and their children, including infertility, pregnancy complications, cervical cancer, infant mortality, and higher risk of contracting HIV. When women become infected with HIV, they risk passing along the infection to their infants, either through pregnancy, childbirth, or breastfeeding.

Microbicides are a promising new technology that complement vaccines. They aim to put the power of prevention into women's hands. Formulated as gels,

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LGBTI Issue

Prevent the Erosion of Domestic Partnerships

By Teri Ford, LGBTI Legislative Analyst

Are your rights and privileges under California law regarding domestic partnership important to you? Rights granted to domestic partners could disappear as the result of a resolution introduced in the House of Representatives. If enacted, this resolution will become a permanent fixture within the United States Constitution.

States have enacted policies regarding same-sex couples without interference by the federal government—until now. In May 2003, Congresswoman Marilyn Musgrave (R–Colorado) introduced HJR 56. The bill states: "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution or the constitution of any State, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups."

Does this sound familiar? California enacted a similar resolution several years ago, called Proposition 22, also known as the Knight Initiative. Despite the initiative's definition of marriage as "between a man and a woman," domestic partners in California enjoy some of the same rights as married couples.

To see if this is just a replay of the same drama, look no further than the second sentence of HJR 56: "Neither this Constitution or the *constitution of any State*, nor state or federal law, shall be construed to require that marital status *or the legal incidents thereof be conferred upon unmarried couples* or groups." This effectively grants states the right refuse to offer to domestic partners the same rights as married couples. We could see our rights as domestic partners erode and disappear within a federal court of law.

Domestic partnerships are therefore definitely in jeopardy. The US Constitution is the "law of the land." It overrules the laws enacted by the states. Our rights as domestic partners could be annihilated by the US Supreme Court. Domestic partnerships could become worthless pieces of paper.

Don't let this happen! Please return your signed letters to Lambda Letters so we can count them and deliver them directly. ###

Women's Issue

Fight Erosion of Abortion Rights

By Adrienne Lauby, Women's Legislative Analyst

Those who oppose abortion have long sought a legal ban on what they call "partial-birth abortions." Nearly half the states have passed such laws and all have been overturned in court because they prohibit common medical practice and endanger women's health.

Now the ban on partial-birth abortion is being pursued on the national level in the form of HR 760, the Partial-Birth Abortion Ban Act of 2003, introduced by Steve Chabot (R–Ohio). If the US Senate does not hold firm in opposition, President Bush has promised to sign it into law.

HR 760 is ostensibly intended to ban a particular medical procedure known as intact dilation and evacuation ("intact D and E"), which is used to terminate pregnancies in their second and third trimesters (that is, from the third through ninth month of pregnancy). For abortions at this stage of pregnancy, intact D and E is one of the safest operations available. This legislation would make the procedure illegal even if a woman's doctor felt it was in the best interest of the mother and fetus.

According to an ABC News poll, while most Americans favor banning the procedure known as partial-birth abortion in general, most also say the procedure should be legal if the woman's health is in danger—an exception that's absent from this particular legislation.

Abortion is a deeply personal issue. Women are capable of making moral decisions and their decisions about health and what constitutes a lifesaving procedure should be made in consultation with physicians.

The sponsors of HR 760 claim their legislation will withstand constitutional scrutiny. They are wrong. It continues to lack an exception to protect women's health—a requirement that the Supreme Court said is constitutionally compelled. However, even if the Supreme Court eventually overturns the law, it will be used to shift the congressional election debate from sticky, difficult economic issues, for instance, to emo-

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AB 205 Victory: No. 3 of 4

By Boyce Hinman, Chief Lobbyist

On September 19 Governor Davis signed AB 205 into law in a public ceremony at the San Francisco Lesbian, Gay, Bisexual, and Transgender Community Center. AB 205 is one of four major LGBTI California civil rights bills that we've been working on this year.

AB 205 provides domestic partners many of the same rights and duties now offered to married people in California.

Among them, those rights and responsibilities include: decision-making authority for funeral arrangements and disposition of remains, community property, custody provisions and child support obligations, access to divorce court, and death benefits for surviving partners of firefighters and police officers.

The bill will also require mutual responsibility for debts, disclosures of conflicts-of-interest, and joint assessment of income for determining eligibility for state government assistance programs. The bill does not confer any rights that are available to married couples through federal law.

Congratulations go to you, our members: We delivered over 26,000 letters and messages of support for AB 205 to legislators and the governor this year. We wrote to them and they listened to our concerns.

Jackie Goldberg, Gov. Davis, Carole Migden, and Mark Leno at the AB 205 signing ceremony. (Photo: Rick Gerharter/Bay Area Reporter. Used with permission.)

Besides expressing our appreciation to the California legislature and to the governor for passing and signing a record number of LGBTI civil rights bills this year, we especially wish to thank Jackie Goldberg (D–Los Angeles), who introduced AB 205.

LLP Chair Lori Norman summed it up best: "I expect that, in future years, the year 2003 will be viewed as an historic year for the LGBTI community in California. Never have so many bills of benefit to our community been passed and signed in just one year."

###

LLP Volunteers Needed

Continued from page 1

California NOW, the Women's Health Campaign, the AIDS Healthcare Foundation, the San Diego Democratic Club, and the Elections Committee of the County of Orange. We will put some of them on our website.

By all reasonable measures, we are a very successful organization providing valuable service to the community. No other organization is anywhere near as effective in keeping our community informed on a daily basis about the legislation that affects our lives.

And yet we do all this great work with only 14 volunteers and no paid staff. We have just nine unpaid board members, one volunteer newsletter editor, and four legislative analysts who prepare the sample letters that accompany the monthly newsletter. We need a larger board of directors. It's a lot of work for only nine board members! If we had 15 to 20 board members, the work would be that much easier.

Won't you please consider joining our board of directors? Board members attend monthly meetings, staff our booths at pride festivals, and are expected to be involved in publicity, legislative policy making, or fundraising. Board candidates need to be assertive, communicate well, and care about the work we do. We particularly need people with experience in fundraising or publicity—or who are willing to learn these things.

Please give serious consideration to joining our board of directors. To volunteer, or to seek additional information, feel free to contact me at (818) 785-1563 or lori.norman@lambdaletters.org.

###

October Legislative Update

The state legislature ended its 2003 session at 4 AM on September 13. Normally, it would remain closed until January 5, 2004. However, Governor Davis has signaled that he may call the legislature into special session earlier than that in order to pass a bill extending the termination date of Megan's Law. As you may remember, Megan's Law allows the state to tell people whether a convicted child molester is living in their neighborhood. The current version of this law is due to expire at the end of this year and the legislature failed to pass a bill extending it.

Normally, any bills that did not lose a vote in the legislature this year but also did not make it all the way through the legislative process are turned into two-year bills. This simply means that the bill can be taken up again next year where it left off; it won't have to start the whole legislative process all over again. For example, if the bill was introduced in the Assembly and was approved by that house, it would not have to be approval by the Assembly again. You will see the words "two-year bill" on the status line of these bills in the following list.

Any bills that were defeated in their last vote are now dead. If a legislator wants to pursue the purpose of one of these bills, he or she has to start the legislative process all over again with a new bill. However, sometimes the legislature will "grant reconsideration," which means it will let the bill's author try a new vote in hopes of reversing the vote that defeated the bill.

It is worth noting that a remarkable number of bills supported by Lambda Letters have been passed by the legislature and signed by the governor. The letters and messages (more than 200,000 of them) sent to elected officials by good people like yourself had a great deal to do with making this a reality.

Governor Davis has until October 12 to sign or veto any bills sent to him by the legislature, or to let them become law without his signature. The next issue of this newsletter will give you the outcome of those bills that were not already signed or vetoed when this list was prepared.

HIV/AIDS Issues

AB 4 (Wilma Chan, D–Oakland)
Purpose: To impose—for taxable years beginning on or after January 1, 2003—10 percent and 11 percent maximum rates for taxpayers with taxable incomes over certain amounts, and impose an 8.5 percent maximum rate based upon the taxpayer's alternative minimum taxable income.
Status: Awaiting a final vote on the Assembly floor. Now is a two-year bill.
LLP Position: Support. This will reduce the pressure to cut important health programs.

AB 879 (Paul Koretz, D–West Hollywood)
Purpose: To require the Office of AIDS to convene a task force to develop recommendations for the use of post-exposure prophylaxis (PEP) in the general population for the prevention of HIV infection.
Status: Sent to the governor.
LLP Position: Support.

AB 946 (Patty Berg, D–Santa Rosa)
Purpose: To authorize cities or counties to develop clean needle and syringe exchange projects that contain prescribed components. This bill would require a participating county or city to assess the project using certain criteria and submit a progress report that takes into consideration data from the assessment.
Status: Sent to the governor.
LLP Position: Support.

AB 1324 (Darrell Steinberg, D–Sacramento)
Purpose: To state the intent of the legislature to improve the workers' compensation system by promoting the efficient delivery of high-quality, appropriate medical care.
Status: Sent to a conference committee. Now is a two-year bill.
LLP Position: Neutral. The bill no longer relates to any of our issue areas.

AB 1676 (John Dutra, D–Fremont)
Purpose: To allow testing of blood from a pregnant woman for the presence of HIV. Existing law requires a physician and surgeon to obtain a blood specimen from a pregnant woman before or at the time of delivery. Under the bill, HIV testing would not be required if the pregnant woman has been previously determined to be chronically infected with HIV, as specified. The bill

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would require certain medical care providers to ensure that the woman is informed of, among other things, the purpose of testing and that the woman has a right to refuse testing.
Status: Sent to the governor.
LLP Position: Support.

SB 71 (Sheila Kuehl, D–Los Angeles)
Purpose: Among other things, to authorize school districts to provide comprehensive sexual health education, as defined, in grades K–12, and to require school districts to ensure that all pupils in grades 7–12 receive HIV/AIDS prevention education.
Status: Sent to the governor.
LLP Position: Support.

SB 131 (Byron Sher, D–Redwood City)
Purpose: To change the punishments for the first and later charges of possession of a small amount of marijuana.
Status: Failed in Assembly. Reconsideration granted.
LLP Position: Neutral. The bill seems to reduce the number of possession violations which would result in diversion to a drug treatment program.

SB 151 (John Burton, D–San Francisco)
Purpose: To eliminate the extra paperwork required of doctors when prescribing a Schedule II controlled substance (mostly potent pain medications).
Status: Sent to the governor.
LLP Position: Support. The bill should reduce the barriers to providing adequate pain management to patients.

SB 774 (John Vasconcellos, D–San Jose)
Purpose: To authorize a licensed pharmacist to sell hypodermic needles or syringes to a person without a prescription under specified conditions, and to authorize a person to possess up to 30 hypodermic needles or syringes if acquired through an authorized source. These things would facilitate authorized clean needle-exchange programs around the state. Would also require the State Office of AIDS to study the effectiveness of clean needle-exchange programs.
Status: Sent to the governor.
LLP Position: Support.

Lesbian, Gay, Bisexual, Transgender, Intersex Issues

AB 17 (Christine Kehoe, D–San Diego)
Purpose: To prohibit a state agency from entering into a contract for the acquisition of goods or services with a vendor or contractor who does not offer benefits to domestic partner employees, as defined, that are equal to benefits offered to employees with spouses, except as otherwise specified.
Status: Sent to the governor.
LLP Position: Support.

AB 76 (Ellen Corbett, D–San Leandro)
Purpose: To make it unlawful for an employer to fail to take immediate and appropriate corrective action to prevent sexual harassment of an employee by an applicant, or a person providing services or by any person, once the employer knows or should have known of this conduct.
Status: Sent to the governor.
Position: Support.

AB 196 (Mark Leno, D–San Francisco)
Purpose: To ban discrimination against transgender people.
Status: Signed by the governor.
LLP Position: Support.

AB 205 (Jackie Goldberg, D–Los Angeles)
Purpose: To extend the rights and responsibilities of marriage to registered domestic partners, and to revise the process for registering as domestic partners.
Status: Signed by the governor.
LLP Position: Support.

AB 266 (Gene Mullin, D–San Mateo)
Purpose: To authorize the San Mateo County Board of Supervisors to elect to grant domestic partner

Continued on page 8

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Legislative Update

Continued from page 7

benefits to the partners of county employees and retirees, through collective bargaining and based on actuarial cost estimates.
Status: Signed by the governor.
LLP Position: Support.

AB 458 (Judy Chu, D–Monterey Park)
Purpose: To guarantee the rights of a foster child to have fair and equal access to all services, placement, care, treatment, and benefits, and not to be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, or mental or physical disability. Also to require training for administrators, licensing personnel, licensed foster parents, and relative caretakers to include training about this right.
Status: Signed by the governor.
LLP Position: Support.

AB 1082 (John Laird, D–Santa Cruz)
Purpose: The state government and many local governments are part of the Public Employees Retirement System (PERS). This system allows these governments to offer health benefits to the domestic partners of their employees and retirees if the employees or retirees and their partners meet the state's definition of domestic partnership. Some local governments prior to January 1, 2001, created definitions of domestic partners which differ from the state's definition. AB 1082 would allow these governments to offer health benefits to any persons meeting those local definition of a domestic partner of an employee or retiree of those governments.
Status: Sent to the governor.
LLP Position: Support.

AB 1250 (John Laird, D–Santa Cruz)
Purpose: To provide funding for training of teachers designed to improve prevention of intolerance and hatred in schools.
Status: Signed by the governor.
LLP Position: Support.

SB 2 (John Burton, D–San Francisco)
Purpose: To require medium and large employers to provide health insurance for their employees and, in the case of larger employers, for their dependents, including domestic partners. The employer could buy em-

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ployee insurance directly or pay premiums to the state for a state-provided health insurance plan. The bill's provisions would be phased in over the next few years.
Status: Sent to the governor.
LLP Position: Support.

SB 85 (Tom Torlakson, D–Walnut Creek)
Purpose: To allow any county to offer the same death benefits, optional retirement allowances, or survivor's allowances to a registered domestic partner of a county employee or retiree that are currently offered to a spouse of a county employee or retiree. However, for the domestic partner to qualify for the benefits, an affidavit of domestic partnership must be on file with the county one year prior to the employee's retirement or death prior to retirement.
Status: Sent to the governor.
LLP Position: Support.

People of Color Issues

AB 25 (Fabian Nunez, D–Los Angeles)
Purpose: To require state agencies to accept as valid identification of a person a foreign identification card issued by another nation, as defined, to its citizens or nationals, subject to specified exceptions. Would allow police officers to request additional ID if the officers thought the original ID might be a fake.
Status: Sent to the Senate floor. Now is a two-year bill.
LLP Position: Support.

AB 30 (Keith Richman, R–Granada Hills)
Purpose: To require the state to expand the Healthy Families Program to provide health insurance coverage to employed, childless adults who are uninsured for healthcare coverage and who meet certain household income requirements, and also to working parents or adult care givers of children in the Healthy Families Program, subject to approval of a federal waiver and appropriation of state matching funds. Could result in the new covered person owing $2,000 to $3,000 in copayments per year.
Status: Approved by the Senate Insurance Committee. Sent to the Senate Appropriations Committee. No hearing date set yet. Now is a two-year bill.
LLP Position: Switched to neutral because of the copayments.

AB 54 (Jenny Oropeza, D–Carson)
Purpose: To require the California Commission on Teacher Credentialing, in consultation with the State Department of Education, to contract with an independent evaluator to conduct a study of the availability and effectiveness of cultural training for public school teachers and administrators. The bill would require the study to focus on 10 culturally diverse schools that reflect the diverse demography and geography of California and would prescribe criteria for selecting those schools.
Status: Sent to the governor.
LLP Position: Support.

AB 177 (Jenny Oropeza, D–Carson)
Purpose: To require that voters pamphlets include a statement setting forth various specified rights of voters during an election, including the right to get election materials in a language other than English. The secretary of state would be required to print posters in English and Spanish and other languages, setting forth the list of rights, and distribute the posters to county elections officials for display by precinct officials at their polling places.
Status: Sent to the governor.
LLP Position: Support.

AB 231 (Darrel Steinberg, D–Sacramento)
Purpose: To help people qualify for the CalWORKs and Food Stamp Programs which serve limited-income people in California. Because their assets are reviewed to see whether they qualify for the programs, this bill states that a car owned by someone should not be considered when determining whether that person has few-enough assets to qualify for the programs. Would also require each county welfare department, to the maximum extent allowable under federal law, to provide transitional food stamp benefits to households

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Legislative Update

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terminating their participation in the CalWORKs program for a period of five months. Also would eliminate a fingerprint electronic ID system now used by food stamp programs. Studies show that this system is ineffective in eliminating duplicate applications.
Status: Sent to the governor..
LLP Position: Support.

AB 292 (Leland Yee, D–San Francisco)
Purpose: To provide that a state or local governmental agency, or a public or private agency supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency except as specified. Also to require each agency that receives state funding to have available for inspection an established procedure for translation services that provide competent translation services.
Status: Now is a two-year bill.
LLP Position: Support.

AB 309 (Judy Chu, D–Monterey Park)
Purpose: Existing law requires a person in a trade or business who negotiates contracts primarily in Spanish to deliver a Spanish copy of the contract to the other party prior its execution. Failure to do so can void the contract. This bill extends these provisions to contracts negotiated in Chinese, Tagalog, Vietnamese, and Korean. Only becomes operative if SB 146 is also passed.
Status: Signed by the governor.
LLP Position: Support, but would prefer the bill to cover all languages.

AB 522 (Manny Diaz, D–San Jose)
Purpose: To require local governments to accept for purposes of personal identification an identification card issued by the Mexican Consulate Office, to the extent permitted by federal law, the same as a driver's license or identification card issued by the Department of Motor Vehicles except when possession of a valid driver's license is required by law. Would allow police officers to request additional ID if the officers thought the original ID might be a fake.
Status: Sent to the governor.
LLP Position: Support.

AB 801 (Manny Diaz, D–San Jose)
Purpose: To create a voluntary program for physicians. It would develop voluntary classes to teach foreign languages to interested physicians, and teach physicians about cultural practices and beliefs that impact healthcare. The bill would reduce the barriers to healthcare faced by many minority Californians. Will also make technical changes to a program, already in place, which allows licensed dentists from Mexico to practice dentistry in California.
Status: Sent to the governor.
LLP Position: Support.

AB 1657 (Wilma Chan, D–Oakland)
Purpose: To prohibit the sale, offering for sale, distribution, or import into this state of any *prepackaged* gelatin-based (like Jell-O) alcoholic beverage unless it is sold, offered for sale, or intended to be sold in a business establishment (for consumption on the premises) that prohibits the presence of persons under 21 years of age on its premises.
Status: Now is a two-year bill.
LLP Position: Support.

AJR 3 (Jerome Horton, D–Inglewood)
Purpose: To urge Congress and the president of the United States to repeal the federal law which denies or delays access to federal scholarships for students who have prior convictions for drug related offenses.
Status: Approved by the Senate. Awaiting a final vote in the Assembly. Now is a two-year bill.
LLP Position: Support.

SB 17 (Martha Escutia, D–Norwalk)
Purpose: To amend the laws relating to property taxes on nonresidential commercial and industrial property to eliminate loopholes that have allowed such properties to evade reassessment upon sale of the property.
Status: Awaiting a final vote in the Assembly. Now is a two-year bill.
LLP Position: Support. This bill would increase tax

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revenues and reduce the need to cut spending on health and social services programs.

SB 24 (Liz Figueroa, D–Fremont)
Purpose: Existing law requires the Department of Health Services to adopt a federal Medicaid option to extend eligibility for Medi-Cal benefits to certain pregnant women. This bill would require that the form used to implement the above-described Medicaid option also qualify as a simplified application for the Medi-Cal program for those pregnant women or, if necessary, to ensure federal financial support for services.
Status: Sent to the governor.
LLP Position: Support. This bill would provide another door into Medi-Cal for poor children and eliminate the need for them to go to another office to apply for Medi-Cal.

SB 36 (Wes Chesbro, D–Santa Rosa)
Purpose: To provide that federally qualified health center services and rural health clinic services, as defined, are covered benefits under the Medi-Cal program, to be reimbursed to providers on a per-visit basis. The bill would also provide for various requirements pertaining to the reimbursement of these services.
Status: Sent to the governor.
LLP Position: Support.

SB 43 (Gil Cedillo, D–Los Angeles)
Purpose: To provide an easy way for people to contribute to the Emergency Food Assistance Program Fund by submitting extra money with taxes owed to the state each year. The bill would permit this until January 1, 2009.
Status: Signed by the governor.
LLP Position: Support.

SB 146 (Martha Escutia, D–Norwalk)
Purpose: To help non-English-speaking people understand business contracts they sign. Current law requires business people who negotiate certain contracts primarily in Spanish to deliver a Spanish translation of the contract to other parties prior to execution of the contract. This bill adds that the Spanish document must include a translation of every term and condition in that contract.
Status: Sent to the governor.
LLP Position: Support, but we would like other languages added to the bill.

SB 853 (Martha Escutia, D–Norwalk)
Purpose: To require that healthcare service plans in California offer access to language assistance and culturally competent health care services.
Status: Sent to the governor.
LLP Position: Support.

SB 921 (Sheila Kuehl, D–Los Angeles)
Purpose: To declare the intent of the legislature to implement a single-payer, universal healthcare delivery system in California.
Status: Approved by the Senate and sent to the Assembly. Now is a two-year bill.
LLP Position: Support.

Women's Issues

AB 23 (Joe Nation, D–San Rafael)
Purpose: To provide that when property is held in joint tenancy, by two or more persons, the property will be considered sold and subject to reassessment, for property tax purposes, when all the original joint tenants have either sold or given away their interests in the property.
Status: Sent to the Senate Appropriations Committee. Now is a two-year bill.
LLP Position: Neutral. Its purpose has been changed. It no longer relates to our issues.

AB 134 (Rebecca Cohn, D–Campbell)
Purpose: In certain circumstances, to increase the penalty for domestic violence if the accused had been convicted previously of domestic violence.
Status: Sent to the governor.
LLP Position: Support.

AB 183 (Joe Nation, D–San Rafael)
Purpose: To include licensed marriage and family

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therapist and licensed clinical social workers services within the scope of Medi-Cal covered benefits, to the extent that federal matching funds are available for those services.
Status: Sent to the governor.
LLP Position: Support.

AB 184 (Alan Lowenthal, D–Long Beach)
Purpose: To allow the driver's registration public records of the victims of domestic violence and stalking to be kept confidential.
Status: Sent to the governor.
LLP Position: Support.

AB 506 (Bill Maze, R–Visalia)
Purpose: To require the police in sexual assault cases to test the victim's blood and urine to see if the victim had been drugged by the attacker, unless the victim objects to the test.
Status: Sent to the governor.
LLP Position: Support.

AB 898 (Judy Chu, D–Monterey Park)
Purpose: To authorize a law enforcement agency investigating certain felony sex offenses, upon the request of the victim, to inform the victim whether or not a DNA profile was obtained from the testing of the rape kit evidence or other crime scene evidence from their case; whether that information had been entered into the Department of Justice Data Bank of case evidence; and whether there is a match between the DNA profile developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database.
Status: Sent to the governor.
LLP Position: Support.

AB 1557 (Juan Vargas, D–Chula Vista)
Purpose: Existing law provides that when payment of workers' compensation has been unreasonably delayed or refused, either prior to or subsequent to the issuance of an award, the full amount of the order, decision, or award shall be increased by 10 percent. This bill would provide that an employee shall not be entitled to an increase in compensation for unreasonable delay in the provision of medical treatment for periods of time necessary to complete a utilization review process.
Status: Sent to the governor.
LLP Position: Neutral. Purpose no longer relates to our issues.

SB 490 (Deirdre Alpert, D–San Diego)
Purpose: To simplify and reduce the paperwork that pharmacists must now go through before selling an emergency contraception drug to a customer. Would require a pharmacist to go through "emergency contraception" training before being allowed to sell RU 486 under the new rules.
Status: Sent to the governor.
LLP Position: Support.

SB 545 (Jackie Speier, D–San Mateo)
Purpose: To simplify and reduce the paperwork that pharmacists must now go through before selling an emergency contraception drug to a customer. Also to reduce the training needed for a pharmacist to dispense the drug.
Status: Sent to the governor.
LLP Position: Support.

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LGBTI Rights: A Fragile Victory

Continued from page 1

The governor has already signed all three. I am hopeful he will also sign AB 17 but he may not act on it until after the recall election on October 7.

A number of other important, but less far-reaching LGBTI rights bills have been approved this year by our state legislature as well.

A major factor in the tremendous accomplishments of this year has been the wide coalition of groups inside and outside of the LGBTI community that supported these bills. The degree of cooperation and coordination has been tremendous.

Equality California sponsored and worked tirelessly on behalf of AB 17, AB 196, and AB 205. The National Center for Lesbian Rights and The Los Angeles Gay and Lesbian Center each played major roles in the winning strategy for all these bills. AB 458 was sponsored by the National Association of Social Workers. California NOW, the ACLU, the Japanese American Citizens League, and a number of churches and religious denominations supported these bills as well.

The Lambda Letters Project worked hard on all these bills. Lambda Letters' members and friends delivered over 74,500 letters and e-mail messages to elected officials in support of the four key bills.

Having said that, I must and a note of caution. The gains we have made are fragile. There has been a revolution in the laws that affect and protect the LGBTI community. But such revolutions generally occur in either of two ways. Either society in general agrees to the changes or some group gets power in the legislature or the courts to force the changes without wide support from society at large. The former process generally results in secure, permanent advances. The latter process often leaves any advances that take place seriously at risk of reversal.

Consider divorce. It's now legal and easily obtainable in every state because there has been widespread acceptance of the right of people to divorce. I remember during my childhood how scandalized my neighborhood was when the first divorce occurred. Now it's no big deal.

On the other hand, a woman's right to choose remains seriously at risk. The opposition is constantly trying to whittle away that right.

The advances of the LGBTI community do come from our improved skill at lobbying and increased coordination of the groups lobbying on our behalf. However, this year the chaos in government is a factor as well. Governor Davis seems desperate to sign all our bills to secure our votes in the recall election. Our gains did not exactly result from overwhelming support from society at large.

There is still formidable opposition to LGBTI rights in our society. That opposition frequently lies about what LGBTI people are like. Those lies make us seem fearful, dangerous, or repugnant. Unfortunately many people believe those lies because they don't know any gay people—or think they don't. They have no way to match the lies with reality. Divorced people are no longer remarkable because everyone knows one or more divorced people and knows they are just ordinary folks.

If you don't think we will be under continuing attack, consider this. There is a proposed constitutional amendment in Congress to prohibit states from allowing state governments to give same-sex couples the right to marry. It also grants states the right refuse to offer to domestic partners the same rights as married couples. That constitutional amendment was introduced by Congresswoman Marilyn Musgrave (R–Colorado) as House Joint Resolution 56. Currently HJR 56 has 86 cosponsors in the House of Representatives. It is our LGBTI Issue focus this month (see page 4).

The only way that the rights of the LGBTI community will ever be really secure is if large numbers of LGBTI individuals come out to everyone in their lives. People will see how ordinary we are and they will ignore the lies about us. Then our rights will be secure.

Think about it!

###

Contact Your Members of Congress!

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HIV/AIDS Issue

Continued from page 3

creams, or films, microbicides inactivate, block, or otherwise interfere with the pathogens that cause HIV/AIDS and other STDs. Even a moderately effective microbicide could have a substantial impact on the HIV epidemic. The London School of Hygiene and Tropical Medicine estimates that a 60 percent efficacious microbicide introduced into the 73 poorest countries could avert 2.5 million HIV infections in men, women, and children over 3. Microbicides would also benefit men; their protective effect is likely bidirectional.

Numerous potential microbicides are poised for successful development. Thirteen products are in clinical trials and approximately 50 compounds exist that could be investigated further. There is a backlog in the research and development pipeline, however, so those innovative and promising product concepts languish while infection rates grow.

Please ask Senators Boxer and Feinstein to cosponsor SB 859 amending the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.

Please return your signed letters to Lambda Letters so we can count them and deliver them directly.

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Women's Issue

Continued from page 4

tionally manipulative imagery of bloody fetuses and irresponsible women.

Leading medical organizations across the country—including the American College of Obstetricians and Gynecologists, the American Public Health Association, and the National Abortion Association—oppose this law because it jeopardizes women's health and interferes with important medical decisions.

Please tell your senator that HR 760 is a bad law that should be scratched from the list of serious issues currently facing this country.

Please return your signed letters to Lambda Letters so we can count them and deliver them directly.

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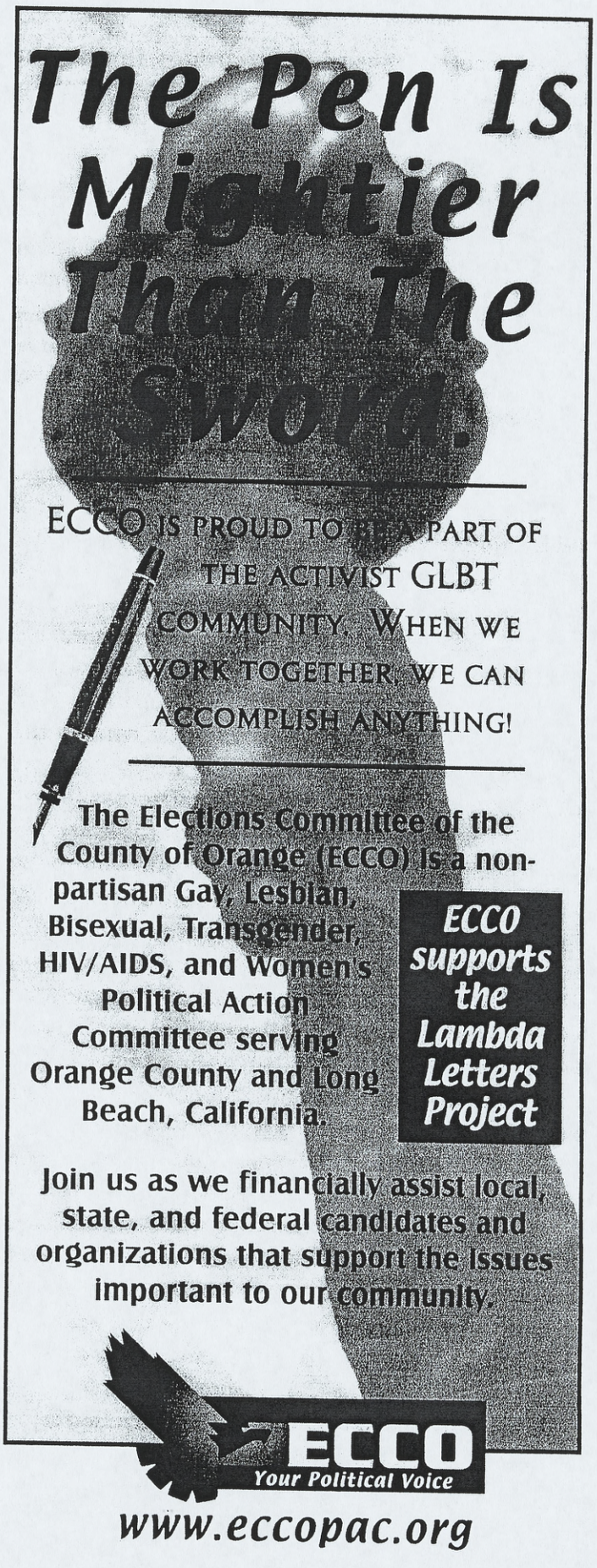
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Save Health Clinics for the Poor

By Boyce Hinman, Chief Lobbyist

Many health clinics for the poor are at risk of losing because the state government has failed to enact clear, timely reimbursement rules required by the federal government. Many poor people will suffer greatly if these clinics close. SB 36 aims to establish those rules and get the show on the road.

The bill has been approved by the legislature and sent to Governor Davis. He has until October 12 to sign the bill.

In California most poor people who can't afford private health insurance get paid for their medical care through the Medi-Cal program, which is California's version of the federal Medicaid program. Medi-Cal is funded by a mix of federal and state dollars. Many people who are poor have been bankrupted because of their affliction with AIDS; others are unemployed or underemployed.

Most doctors don't want to treat Medi-Cal patients. In fact, about 80 percent of Medi-Cal patients are treated by only 20 percent of the doctors in our state. Many Medi-Cal patients are treated in federally qualified health clinics and rural health clinics, where Medi-Cal pays those clinics for the services rendered. The process has worked for years, at least fairly well.

However, a few years ago Congress changed the rules of payment for Medicaid (and therefore Medi-Cal) services. It mandated a new Prospective Payment System (PPS). Under the law states had to create and implement a whole new set of rules and procedures for Medi-Cal payments made to clinics.

The new rules were supposed to be in place by January 1, 2001. However, they still haven't been fully implemented in California. As a result, clinics seeking reimbursement for the care they give face an administrative nightmare. Difficulties getting timely payments threatens to bankrupt many of them.

SB 36 deals with the problem by simply establishing the payment rules and procedures themselves rather than telling a state agency to set them. Hopefully this will speed payments to clinics and keep them open for business.

We think this is a good bill and we have urged Governor Davis to support it. Next month we'll tell you whether he did. ###

Protect Victims of Domestic Violence

By Boyce Hinman, Chief Lobbyist

Good News! We sent over 2,700 messages of support for AB 184 to the Senate and they approved the bill. Now the bill has been sent to Governor Davis. He has until October 12 to sign it.

Current law prevents just anybody from acquiring information about people's names, addresses, and other personal information from the Department of Motor Vehicles (DMV). Current law also allows victims of domestic violence or stalking to request even more restricted access to their records. The purpose of this law is to help them hide from those who wish to harm them.

To achieve this extra layer of protection, victims of domestic violence or stalking have to submit documentation demonstrating the problems they have had. With this evidence, the DMV restricts access to the victim's record for one year. They may request two one-year extensions but must provide evidence of a continuing threat to their safety. This evidence could include evidence of further attacks, harassing phone calls, and so on.

There are two problems with this process. First, it puts the onus on the victim to come up with the evidence each year. For an unsophisticated but actual victim, this might be hard to do. Second, if the program is working, the attacker will not have found the victim. Thus she will have no evidence to provide authorities. Yet unsealing her records may allow the stalker to find her.

There is a solution to the problem. The secretary of state's Safe at Home program gives victims of domestic violence and stalking an identification card. The secretary of state's office updates its records annually and weeds out those who are no longer threatened. AB 184 would simply allow enrollees in the Safe at Home program to present their ID card to the DMV to have their records suppressed once and allow the suppression to continue in succeeding years. Without this proposed system in place, some victims of domestic violence might let their driver's licenses expire so as to avoid updating public DMV records.

AB 184 makes good sense. We think this is good legislation. Next month we'll tell you whether Governor Davis supported it. ###